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## LEGAL BASE

7/19

601.1

## 601.1 SUPPORT ENFORCEMENT PROGRAM

A. Legal Base

Legislation enacted by the 1974 session of the General Assembly\* provided for the establishment of a statewide support enforcement program with a support enforcement unit to carry the responsibility for initiating and maintaining such program. Amendments to the Social Security Act\*\* effective August 1, 1975, make mandatory, on a national level, a Child Support Enforcement Program and set forth certain procedures relative to the payment and collection of child support and the establishment of paternity. Subsequent amendments to the 1974 legislation expanded the program to include collection of support paid on behalf of caretakers included in the assistance unit and establishment and enforcement of health care coverage. The Division of Child Support Enforcement (DCSE) was established within the **Virginia** Department of Social Services to administer this program. Regional and district offices are located throughout the state. (See [Appendix III](#).)

B. DCSE Responsibilities

DCSE has the responsibility for:

1. pursuing support from the absent parent(s);
2. establishing paternity;
3. locating the absent parent(s) if whereabouts are unknown;
4. determining ability to support;
5. collecting and distributing support from absent parent(s);
6. pursuing court action to secure support from the absent parent(s);
7. establishing and enforcing medical support obligations;
8. determining noncooperation with DCSE.

C. Local Agency Responsibilities

Local agencies carry the responsibility for:

1. determining the ability to support by the stepparent in the home;

\* Code of Virginia, Section **63.2-1901 - 63.2-1948**

\*\* Public Law 93-647

2. explaining the benefits of providing information to DCSE such as possible entitlement to receive up to a \$100 disregard per month when support has been collected, monetary support for the child if the applicant/recipient loses TANF benefits, and future benefits or pensions for the children;
3. securing information regarding absent parent(s), and the amount of support, if any, which is received by or on behalf of the applicant/recipient from such persons;
4. reporting information about absent parent(s) to DCSE;
5. explaining the applicant/recipient's rights and responsibilities regarding the automatic assignment of rights to support (201.9), the requirement regarding cooperation in obtaining support and good cause for refusing to cooperate (201.10);
6. in pending applications where it appears from the applicant's statement that a putative father is living in the home, the local agency may pursue the establishment of paternity. An Acknowledgement of Paternity, form VS22, obtained from the local health department, should be used for this purpose. The form must be completed, signed by the putative father **and the mother**, and notarized. A copy of the notarized Acknowledgement of Paternity should be filed in the case record and the original sent to the Center for the Support of Families, PO Box 8536, Richmond, VA, 23226.

Once a child becomes a recipient, the agency is not to pursue the putative father for the purpose of establishing paternity. However, the agency will accept an acknowledgement of paternity which is initiated by the putative father at any time. Paternity will be established by a notarized Acknowledgement of Paternity form **that has been signed by both parents**. There will be no instance in which the local agency initiates court action for the purpose of establishing paternity when the putative father is not in the home. Additionally, the local agency will not accept a notarized statement denying paternity under any circumstances.

7. determining good cause for not cooperating with DCSE;
8. determining noncooperation with the local department of social services;
9. determining exceptions to providing identifying information on the noncustodial parent in Section 201.10 A.1.c.).

## 601.2 REFERRAL OF CASE **INFORMATION** TO DIVISION OF CHILD SUPPORT ENFORCEMENT

Federal regulations specify that the local agency is responsible for reporting to the Division of Child Support Enforcement (DCSE) all identifying **information** regarding each absent parent including putative and legal fathers, to aid in the securing of support and establishing paternity for TANF cases. This information must be provided concurrent with action approving the application or adding a child to a case, and is reported to DCSE. The information is collected on the Absent Parent screens in VaCMS. The collected information is transmitted or forwarded to DCSE upon case approval or action to add a child.

Copies of documents, such as paternity statements, birth verifications, and court orders or divorce decrees, if available, are to be submitted at the time of case approval by attaching the legal document or supplement to the "Document Transfer Cover Form," form number (032-03-0275) and sending it via the courier pouch to the DCSE district office serving your locality.

### A. Referral of TANF Cases

All TANF children with at least one parent absent from the home, including unestablished paternity, must be referred to the Division of Child Support Enforcement (DCSE).<sup>\*</sup> This referral is to be completed for each absent parent (AP), including legal fathers and putative fathers (whether the putative father is living in the home or not).

A 501 must also be completed for SSI children with at least one parent absent from the home upon case application or action to add a child to an existing assistance unit. System coding prevents children with an 'Excluded Child' Participation Status (SSI or AG Recipient) on the TANF- EDG Summary screen, to be transmitted to DCSE. This child will be considered Non-TANF and support collected for this child will be sent to the custodial parent.

Current support paid to DCSE and sent to the custodial parent for the SSI child will not display on the TANF Cases Current Collected Support report.

No referral to DCSE is to be completed for a deceased legal parent, a deceased putative father, TANF-UP parents, a court convicted legal parent living in the home who is doing unpaid community service, the caretaker's absent spouse who is not a parent of one of the children in the assistance unit, the absent parent of a child subject to the family cap provision, or the father of a child conceived by artificial insemination from an anonymous donor. In addition, no referral to DCSE is to be completed for an adoptive parent, a biological parent, or a putative father when there is a court ordered termination of Adoptive Parents Rights for a child. The client's statement is acceptable verification of the parent's status (reason for absence, including death), unless there is reason to question the information provided.

<sup>\*</sup> 45 CFR 235.70

It is the responsibility of the eligibility worker to obtain as much information as possible at the time of application and when an individual is added to the TANF case. When any new information regarding the absent parent becomes known to the agency at each redetermination or when a change is reported, this information is to be transmitted to DCSE **via the Absent Parent screens in VaCMS.**

In order for DCSE to have a "workable case," it is vital that certain key information be obtained by the Eligibility Worker when completing the form or transmitting information on **the Absent Parent screens in VaCMS.**

When interviewing the applicant/recipient, concentrate on securing the following information **on the absent parent screens:**

- name
- date of birth
- residence address (current and past)
- Social Security Number
- employer's name and address (current and past)
- parents' name and address (even if deceased)

Any of the above information, either in whole or a combination thereof will be beneficial to DCSE in locating the absent parent.

If the applicant/recipient cannot give **the absent parent's** name or can only provide **the absent parent's** name and no other identifying information, the Eligibility Worker should obtain as much information as possible on the **Absent Parent screens in VaCMS** for submission to DCSE.

The following criteria are to be applied when referring an absent parent to DCSE:

1. In all cases where the child's parents are married or were married at the time of the child's birth and when someone other than that parent is identified as the child's father, the putative or acknowledged father is to be referred as well as the legal father.
2. If the father's name appears on the child's official birth certificate issued in 1996 or later by the Virginia Department of Health, Division of Vital Records, or by the vital records section of any other state government, evidence of paternity exists for TANF purposes.

3. When there is no legal parent or acknowledged father and more than one individual is named as a child's parent, refer all named individuals.
4. If an applicant/recipient claims that the father of the child is unknown, a referral must be made. The reason that the father is unknown must be evaluated with the applicant/recipient to determine if failure to cooperate or good cause exists. (201.10.A.1.c and 201.10)
5. For an otherwise eligible child who has been emancipated by court order (Sections 16.1-331 through 16.1-334 of the Code of Virginia), a referral must be made on the absent parent(s). For an otherwise eligible child who has been emancipated by marriage, the referral will also be made on the absent parent(s).

B. TANF-UP Cases

The natural or adoptive parents residing in the home in a TANF-UP case are not referred to DCSE. Determine if an absent parent of a child(ren) in the assistance unit must be referred as per policy in this section.

C. Changes to TANF and TANF-UP Cases

Changes to TANF and TANF-UP case information will be transmitted to the Division of Child Support Enforcement by **updating the Absent Parent Screens in VaCMS**.

When a child is added to an existing case, all identifying information regarding the absent parent must be provided to DCSE on the **Absent Parent** screens in **VaCMS** concurrent with action to add the child in accordance with Section 601.2 A.

When a child is removed from an existing case because he becomes ineligible, or leaves the household, the information will be communicated electronically from **VaCMS** to the DCSE automated system.

D. Contact with the Absent Parent

When the local agency determines that contact with the absent parent is necessary, such contact will be limited to verifying contributions being made directly to the assistance unit.

E. Automated Communication with DCSE

Non-cooperation information on the custodial parent is displayed **as a task and reminder in the VaCMS** system to the eligibility worker.

601.3 LEGALLY RESPONSIBLE PERSONS - Under Virginia law the following persons have legal responsibility for support:

- A. Husband, for wife\*;
- B. Wife, for husband\*;
- C. Parent, natural or adoptive, for child under 18, or child of whatever age who is incapacitated, unless such child is receiving federal or state assistance as permanently or totally disabled or is an adult qualifying for assistance to the blind.
- D. A stepparent residing with a child(ren) of the natural or adoptive parent is responsible for such child(ren) who are receiving assistance and the parent as long as the stepparent lives with the natural or adoptive parent. The stepparent and the natural/adoptive parent will be considered living together regardless of absences due to military duty, employment, or other absences of convenience, as long as they consider themselves to be living as husband and wife.

The stepparent's responsibility for the children does not exist once the natural or adoptive parent is absent from the home because of separation, divorce, or death.

- E. The father of a child born out-of-wedlock, if\*\*
  - 1. the father and mother have made a written statement acknowledging paternity, under oath.
  - 2. the man, unrelated to any court action, voluntarily submitted to genetic blood testing which affirmed at least a 98 percent probability of paternity; or,
  - 3. the court enters judgment on the basis of other evidence that the man is the father. Such evidence as specified in Section 20-49.4 of the Code of Virginia is limited to the following:
    - a. that he cohabited openly or had sexual intercourse with the mother at the probable time of conception;
    - b. that he consented to or acknowledged, by a general course of conduct, the common use of his surname by the child;**
    - c. that he claimed the child as his child on any statement, tax return or other document filed by him with any local, state or federal government or any agency thereof;**

\* Section 20-61, Code of Virginia

\*\* Section 20-49.4, Code of Virginia

- d. results of medically reliable genetic blood grouping tests;**
- e. medical or anthropological evidence relating to the alleged parentage of the child based on tests performed by experts;**
- f. a true copy of an acknowledgement of paternity made on the Acknowledgement of Paternity Form (The Acknowledgement of Paternity Form, VS22, can be obtained from the local health department.)**
- g. an admission by a male between the ages of fourteen and eighteen, provided a court has entered an order establishing paternity of a child based on his admission of paternity under oath or upon such other evidences as may be sufficient to support a finding of paternity. (Note: In most circumstances, the Division of Child Support Enforcement will not pursue support from a minor parent for whom a court has established a support obligation as long as the parent is attending school in compliance with compulsory attendance laws.)**



602.1 REDIRECTION OF SUPPORT MONIES FROM NON-CUSTODIAL PARENTS - Federal regulations\* state that in cases where an assignment of support is effective, support payments shall be made to Support Enforcement. The assignment is effective upon case approval. Therefore, any child support, including court ordered support, paid to the assistance unit from the non-custodial parent subsequent to case approval must be redirected to Support Enforcement. Once this support is redirected, it will not be considered in determining the amount of payment, until such time as the net support, when added to other countable income, is sufficient to meet the total needs of the assistance unit.

602.2 TREATMENT OF SUPPORT - There are three types of support that are routinely paid to TANF custodial parents which must be considered in determining initial and on-going TANF eligibility:

- A. Current support paid by the non-custodial parent on behalf of TANF eligible children in the AU. Current support paid directly to the client during the application process will be treated as income with the exception of a disregard of up to \$100. Following case approval, current support will be redirected to DCSE. Up to \$100 of the current support payment will be sent by DCSE to the client and will be disregarded in determining the on-going TANF benefit. (See 305.4(E)2 for treatment of support for SSI children and capped children not the AU, and for situations in which support must be prorated for eligible and non-eligible children).
- B. Arrearages paid by the non-custodial parent for periods in the past when the client received TANF. If, during the application process, arrearage payments are made directly to the client, and the period for which the payments are made was a time during which the client received TANF benefits, the payments will be treated as income. For an on-going case, the absent parent should make all child support payments directly to DCSE, including arrearage payments. Arrearage payments made on behalf of eligible children when the custodial parent received TANF on their behalf are retained by DCSE to discharge the non-custodial parent's debt to the state.
- C. Arrearages paid by the non-custodial parent for periods in the past during which the custodial parent did not receive TANF. Such an arrearage payment made directly to the client during the application process will be treated as income. For an on-going case, any arrearage payment which is made to DCSE for a period during which the client did not receive TANF will be sent by DCSE to the client. If the payment is non-recurring, it should be treated as lump sum payments in accordance with 305.4C. If recurring, such payments will be treated as unearned income. See guidance at 305.1(b)(2)a for determining the amount of unearned income to be counted when there is significant fluctuation from month to month in arrearage payments.

The following sections will outline when support received from a non-custodial parent in cash or in-kind is to be considered available to the assistance unit and counted accordingly. The term "total needs" used in the following is the statewide standard of assistance. The local worker's responsibility is limited to determining the amount of support received by the applicant/recipient from non-custodial parents, and determining eligibility and amount of assistance payment based upon the policy set out below.

602.3 SUPPORT FROM NON-CUSTODIAL PARENTS ABSENT FROM THE HOME - During the initial determination of eligibility, the first \$100 of current monthly child support received, or expected to be received, by the applicant will be disregarded in the eligibility screen and **TANF payment** calculation. If the amount received or expected to be received is less than \$100, the entire amount is to be disregarded. All remaining current support (net countable) will be considered as income for computing the amount of any payment made to the family for a period prior to the first TANF assistance payment. This procedure applies to A., B., C., and D. below.

\*45 CFR 302.32 (A)

If the family is determined to be otherwise eligible according to policy, assistance must be **approved** without delay. Child support received from non- custodial parents during the application processing stage, less the first \$100 of total support received, or expected to be received, will be considered as income to the A.U. for any payment made to the family for a period prior to case approval. The disregard of the first \$100 of child support is also applicable to support received, or expected to be received, from a putative father during the application processing stage. Additionally, this disregard will be applied to support from the putative father subsequent to case approval until the recipient redirects such support to the Division of Child Support Enforcement.

A. Absent Parent or Acknowledged Father

Determine the amount of support received from the non-custodial parent.

1. Subtract the first \$100 from the total child support received to determine net support.
2. If net support when added to other countable income is sufficient to meet the total needs of the assistance unit, eligibility does not exist.
3. If such support when added to other countable income, is insufficient to meet total needs of the assistance unit, the budget will be computed showing total needs minus other countable income. The support received will not be counted as income after case approval. The applicant/recipient must be advised that all future support received must be forwarded to Support Enforcement. See [305.4.E.2.](#) for exceptions.

- B. Absent Spouse of the Caretaker who is a Relative Other Than Parent of Eligible Children  
Determine if the absent spouse of such caretaker is paying support and/or alimony and the amount contributed. If the amount being paid, when added to other countable income of the caretaker, equals or exceeds that individual's needs, the caretaker will be excluded in determining the amount of assistance payment. If the amount is insufficient when considered as above, the caretaker will be eligible to be included in the assistance unit. Support/Alimony received by the caretaker must then be combined with gross support being received from the absent parent of the eligible children. (See Section 305.4.E.2 regarding the calculation of the initial payment(s)). Future support/alimony payments received after case approval must be paid to the Division of Child Support Enforcement and this income will be disregarded. The amount of assistance payment will be computed based on total needs minus countable income, up to the maximum reimbursable amount. (Refer to 302.2.) If the caretaker is receiving alimony only, (support not commingled with child support) this is to be retained by the assistance unit and counted as income to the unit. The \$100 disregard is not applicable.
- C. Absent Spouse of the Parent of the Eligible Children - Support or alimony paid to an eligible child's parent in the assistance unit (this parent must be in the assistance unit unless one of the criteria in 302.6.D. exists) must be considered as income to the unit. Combine the support/alimony of the eligible child's parent with support received from the absent parent of the child. The first \$100 of total gross support received by the parent and eligible child(ren) will be disregarded in determining eligibility. If the net amount being received, when added to other countable income, equals or exceeds the appropriate standard of assistance, eligibility does not exist. (See Section 305.4.E.2 regarding the calculation of the initial month's payment(s)). If the amount is insufficient when considered as above, future payments received after case approval must be paid to Division of Child Support Enforcement and will be disregarded in determining the amount of the assistance payment. If the caretaker is receiving alimony only (support not commingled with child support) this is to be retained by the assistance unit and counted as income to the unit. The \$100 disregard is not applicable.
- D. Putative Father Absent from the Home - Cash contributions from a putative father, less the first \$100, will be counted as income against the **TANF payment**, in the amount received by the assistance unit, until these contributions are redirected to the Division of Child Support Enforcement. (See 305.4.E.3. for treatment of cash contributions from putative fathers.) Once the contribution is redirected, the amount of the assistance payment will be computed based on the standard of assistance for the unit minus other countable income, up to the maximum reimbursable payment.

#### 602.4 SUPPORT FROM RESPONSIBLE PERSONS IN THE HOME

- A. Support from Parents - In situations in which a caretaker is in the home, but not in the assistance unit (including a minor caretaker excluded because she is not in compliance with compulsory school attendance requirements, or excluded for any other reason listed at 302.70), all income of the individual will be considered as income available to the assistance unit in accordance with Section 305.4.E.1.d.
- B. Support from Stepparents - A stepparent, living in the home, married to the parent of the TANF child(ren), is responsible for support of his/her spouse and the eligible child(ren) of the spouse. The actual amount, if any, of support provided by the stepparent, will be the amount established in accordance with Section 305.4.F.

Note: If the parent of the TANF children is deceased, or not living in the home due to separation or divorce, the income of the stepparent will not be deemed to the children. See 305.4F (1).

A stepparent who is not living in the same home with the spouse who is the natural or adoptive parent of the TANF children is not responsible for support of the children. The stepparent remains legally responsible for the support of his/her spouse. Spousal support, if any, paid by the stepparent living away from the home to the spouse, will be counted as income.

## 602.5 HANDLING OF SUPPORT PAYMENTS COLLECTED BY THE STATE

State and federal regulations require that all support paid for or on behalf of a child or caretaker receiving TANF must be directed to the State as a refund toward public assistance paid on behalf of such children or caretaker.\*

Federal regulations require the Support Enforcement agency to notify the agency administering the TANF program, of the amount of support collected which represents payment on the required support obligation for each month. The notification requirements are accomplished through the report, **TANF Cases Current Collected Support** which is displayed monthly and accessed by local agencies **through Reports Search in VaCMS**. This report shows support collected by the State in the prior month on the required support obligation. The report **will be** available online by the **6<sup>th</sup>** of the following month in which the support s collected. The local agency administering the TANF program is required to review the report for the net support amount to determine if this amount is sufficient to make the family ineligible for an assistance payment.\*\*

Under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 states were given the option to continue the \$50 disregard payments to TANF recipients when appropriate. Based on the Deficit Reduction Act of 2005, Virginia opted to increase the disregard payment to \$100.\*\*\* No disregard payment, shall be made, however, for a month in which there is no support collected.\*\*\*\* When support is collected from two or more absent parents, only the first \$100 of the total support collected will be paid to the assistance unit and disregarded. The disregard will be issued to TANF recipients when the TANF case has a status of '**Approved**'.

**A TANF case with a 'Suspended'** status for any reason, will be sent the current total collected support (including the \$100 disregard) for the actual month of suspension by DCSE.

### A. Notification to Local Agencies

The report, **TANF Cases Current Collected Support** displays current support payments paid to DCSE on the required support obligation from non-custodial parents for the month identified on the report. Information in the report includes, but is not limited to; **Gross Support Amount** from DCSE, **DCSE Disregard Amount Sent to Client**, **DCSE Net Support Amount** (total current monthly support amount from DCSE, minus the disregard), **TANF Benefit Amount and TANF Child Support Supplement**.

This report must be accessed and reviewed monthly. The amount of support shown on the report should be used as outlined below:

- \* CFR 302.32(a) and Section 63.2-1909, Code of Virginia
- \*\* 45 CFR 233.20
- \*\*\* Public Law 109-171
- \*\*\*\* 45 CFR 233.20

1. Compare the DCSE Net Support Amount to the TANF Benefit Amount.
2. If the DCSE Net Support Amount does not exceed the monthly TANF Benefit Amount no further action is needed on the TANF case.
3. If the DCSE Net Support Amount is greater than the current monthly TANF Benefit Amount for one month, no action will be taken on the TANF case.
4. When the DCSE Net Support Amount is greater than the current monthly TANF Benefit Amount for two consecutive months, VaCMS will close the TANF case.

Redirected support paid to DCSE will not be screened at either the **maximum allowable income** or the standard of assistance.

Payments made to DCSE in a month which exceeds the **TANF payment** amount will be marked by one or two asterisks. The number of asterisks denotes how many months the DCSE Net Support Amount exceeded the monthly TANF benefit amount. Two asterisks will display when the DCSE Net Support Amount exceeds the TANF Benefit Amount for two consecutive months. VaCMS will not take action on cases marked with one asterisk.

VaCMS will automatically close TANF cases marked with two asterisks. When the DCSE Net Support Amount has exceeded the TANF Benefit Amount for two consecutive months, VaCMS will close the case in the month that the two asterisks appear on the TANF Cases Current Collected Support report. The closure will take place on VaCMS system cutoff. Advance notices will be generated and mailed via Central Print.

Support Enforcement will then, on all cases in which eligibility no longer exists, take action to redirect the support to the family in lieu of the public assistance payment.

Note: The report, TANF Cases Current Collected Support, Child Support Enforcement Collections Interface in VaCMS and inquiry into the Automated Program to Enforce Child Support (APECS) through Systems Partnering in a Demographic Repository (SPIDeR) system are acceptable means of verifying support amounts that have been redirected to and are collected by the Division of Child Support Enforcement. When the recipient disagrees with the listed amount, direct communication with the district DCSE representative is acceptable. The case record must be documented with the date, amount, and name of the DCSE representative.

Support reported by a client is to be verified at the time it is reported if it has not yet been redirected to DCSE. Timely action is to be taken to close the case if the support causes ineligibility.

However, the time frame for taking action remains the same. If the case is determined to be ineligible, the case must be **closed** before cutoff of the month in which the **TANF Cases Current Collected Support** report was received by the agency.

B. Handling of Support on Suspended TANF Cases

Suspended cases will have mailed to them from DCSE the current total (includes \$100 disregard) collected support for the actual month of suspension.

Process

- TANF case is suspended in **VaCMS** in a current month, effective the 1st of the next month.
- **VaCMS** sends to DCSE the suspension status at the end of the month in which the suspension was entered.
- DCSE changes the case status in APECS from TANF to Non-TANF at the beginning of the suspended month.
- DCSE sends the client all support collected in the actual month of suspension, within two days of receipt.

Suspended TANF cases may be reinstated when the recipient has satisfied the requirements of the reason for suspension.

When it is appropriate to reinstate the TANF case, change the status from '**Suspended**' to '**Approved**', and ensure payment is made for the appropriate month(s).

- If reinstating for the month of suspension complete a benefit calculation for the month of suspension counting the net support (minus the first \$100) sent to the client from DCSE
- The support for the month of suspension must be verified through APECS and the net support counted in the benefit calculation.
- Additional support payments sent from DCSE to the client in the month of suspension after the payment has been reinstated must not negatively impact the client.
- If the '**Approved**' **eligibility** result is for the month following the month of suspension, **VaCMS** will calculate the payment amount.

Example 1: TANF case is suspended effective July 1 because the agency is unable to locate the client. The client contacted the agency on July 12 and reported a new address. The assistance unit has zero countable income.

Eligibility worker is reinstating the **TANF payment** on July 14<sup>th</sup>  
APECS shows a total of \$189 has been sent to the client in July.

<b>TANF Payment</b> amount	<b>\$367.00</b>	Mailed support	\$189.00
		Disregard amount	<u>-100.00</u>
			\$ 89.00

**TANF Payment** amount      **\$367 - \$89 = \$278**    TANF supplement for July

Another payment of \$102 is made to DCSE on July 23<sup>rd</sup> and deposited to the client's EPPICard account on July 27<sup>th</sup>. The support payment posted to the client's account will not be considered an overpayment.

Example 2: TANF case is suspended effective July 1, because the client failed to provide required verifications for a change reported on June 5th. The client provided the verifications to the agency on July 20. The assistance unit has zero countable income.

Eligibility worker is reinstating the **TANF payment** on July 21<sup>st</sup>.

APECS shows a total of \$250 has been sent to the client in July.

<b>TANF Payment</b> amount	<b>\$513.00</b>	Mailed support	\$250.00
		Disregard amount	<u>- 100.00</u>
			\$150.00

**TANF Payment** amount      **\$513- \$150 = \$363**    TANF supplement for July

Another payment of \$50.00 is made to DCSE on July 25th and deposited to the client's EPPICard account on July 29th. The support payment posted to the client's account will not be considered an overpayment.



Example 3: The “TANF-Cases Current Collect Support” report in August shows a TANF case with a “Suspended” TANF Program Status because of a **first** VIEW sanction. The worker suspended the case on July 30<sup>th</sup> effective September 1<sup>st</sup>. The net support for July is **\$586** with a monthly TANF payment of **\$367**. One asterisk displays in the column “DCSE Net Support Amount”.

No action is taken on the case for September.

A regular TANF payment will be issued for August. VaCMS will send a 'trigger' to DCSE at the end of August. DCSE will change this case to Non-TANF for the beginning of September.

All current support paid to DCSE from the non-custodial parent(s) in the month of September will be sent to the TANF recipient.

**On August 16<sup>th</sup>, the client met VIEW program requirements. Since the client must serve a one-month sanction, she is not entitled to September benefits. The worker must wait until after the August cutoff date to reinstate the TANF benefit effective October 1<sup>st</sup>.**

The worker does the following:

1. Runs eligibility and certifies and authorizes the **October** payment with an 'Approved' Eligibility Result.
2. A supplemental payment is not issued for the month of **September**. (The VIEW fixed sanction period of one month must be served.)

INFORMATION TO BE GIVEN TO APPLICANT/RECIPIENT

In the process of determining eligibility, the local worker must explain thoroughly, the following:

- A. Assignment of Rights (Section 201.9)
- B. Cooperation in Obtaining Support (Section 201.10)
- C. Redirect of Support Payments to State (section 602.1)
- D. Referral to Support Enforcement (Section 601.2)
- E. Legally Responsible Relatives (Section 601.3)

SCREENING PROCEDURE

ITEM TO BE EXPLAINED

DETAILS TO BE GIVEN

- |  |  |
|--|--|
| A. Assignment of Rights<br>(Section 201.9)                         | A. <ul style="list-style-type: none"><li>1. What the assignment of rights means to applicant/recipient;</li><li>2. How the assignment is executed;</li><li>3. When the assignment is effective;</li><li>4. What absent legally responsible relatives are covered by assignment of rights;</li><li>5. Assignment is automatic upon receipt of assistance - recipient relinquishes all right, title and interest in all support owed by absent responsible persons and must redirect.</li><li>6. Period of time assignment covers.</li></ul> |
| B. Cooperation in Securing Support and Good Cause (Section 201.10) | B. Advising applicant/recipient of their responsibilities as outlined in 201.10 and the penalty for failure to cooperate unless good cause exists.   |
| C. Redirect of Support Payments<br>(Section 602.1)                 | C. Applicant/recipient must be informed that: <ul style="list-style-type: none"><li>1. Contact with absent legally responsible person will be made and such person will be instructed to mail support payment to the State.</li></ul>  |

SCREENING PROCEDURE

ITEM TO BE EXPLAINED

DETAILS TO BE GIVEN

- |    |  |  |
|----|--|--|
|    | 2.   | Should support payments continue to be received by the client, failure to send such payments to State will result in referral for prosecution for fraud, including recoupment from future assistance payments.   |
| D. | Referral to Support Enforcement (Section <a href="#">601.2</a> ) | D. All information necessary to aid Support Enforcement in the securing of such support must be provided within two working days following the initial payment or redetermination of eligibility.                |
| E. | Legally Responsible Relatives (Section <a href="#">601.3</a> )   | E. The applicant/recipient must be advised of the responsibility of each person specified in <a href="#">601.3</a> to support, as it relates to each individual case or person for whom assistance is requested. |

**DCSE District offices information can be accessed at**  
**[www.dss.virginia.gov/family/dcseoffices.cgi](http://www.dss.virginia.gov/family/dcseoffices.cgi), or**  
**<http://localagency.dss.virginia.gov/divisions/dcse/contacts.cgi>**